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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,431	02/15/2000	Naoto Yamamoto	WN-2132	7872

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YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,431

Applicant(s)

YAMAMOTO ET AL.

Examiner

Vincent F. Boccio

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on election 10/14/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26,27,47-51 and 67-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 26,27,47-51 and 67-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5,6,7 6) ☐ Other: _____
- VPB*

DETAILED ACTION
ELECTION

Claims 1-25, 28-46, 52-66 have been withdrawn and canceled and therefore, are removed from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected species, there being deemed no allowable generic or linking claim.

Election was made without traverse in Paper No. 9, claims directed toward elected species V, claims 25-27, 45-51 and 67-69.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claim 47 is objected to because of the following informalities:

{A} Claim 47, line 3, "the number of blocks",
{B} line 4, "the compressed-encoded video", are objected to by being referred to in the past tense of the first occurrence, the examiner suggest, for {A} changing "the" to "a"; and
for {B} removing "the".

The examiner requests applicant to review and amende all other occurrences.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 26, 27, 47, 48, 51, 67 and 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (US 6,181,870).

Regarding claim 26, Okada discloses and meets the limitations associated with a device for editing video in a disc medium comprising:

- o means for compressing (Figs. 16-17, "MPEG Encoder 2");
- o means for storing video and audio to a disc ("DVD-RAM 75");
- o means for preparing a map file (Fig. 70 A, "PGCs #1-", original and user defined and Fig. 70 D, "Title Search Pointers #1-" and "Title Recording History");
- o means for reading and decoding (Fig. 17);
- o memory means for storing as file management data, a program management file that manages the stream of data (met by the PGCs Original and PGCs user defined or an edited version of the original Map information, associated with the recorded objects);
- o input means for inputting an editing instruction (Fig. 85 and Fig. 16, "remote 71", etc.);

wherein the program management file stores the result of the data file erased or combined (User Defined Chains) by an operation the input means in a unit of a predetermined processing including a plurality of frames (MPEG GOP video Data);

o means is provided for pickup (head of Drive) and reproduce the encoded video in the recorded frames according to a predetermined order (User Defined PGC) in compliance with the input (activate playback) of operation (user controlled reproduction of recorded material edited, Figs. 85-95, editing and reproduction of User defined chain, edited version of the Original).

Regarding claim 27, Okada meets the limitation of conforming with MPEG in GOP data structure (MPEG 2), wherein the unit of predetermined processing is a GOP, wherein Intra frame encoding is an I picture (GOP, MPEG, col. 16, lines 44- to col. 17 etc.....).

Claims 47-48, 51, 67 and 69 have been analyzed and discussed with respect to the claims above further, Okada meets the limitations of editing as a map file stored on the medium position data of the start and end frames (Fig. 70 A-B, also see Fig. 71, pointers to the beginning and end of VOBUs which all start with an I frame of a GOP having a plurality of frames), in the unit of predetermined processing, compressed encoded video and/or audio data, wherein the Intra frame encoded data is recorded in a number of encoded blocks.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 49-50 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 6,181,870).

Regarding claims 49-50, Okada discloses editing, erasing and manipulating program files (col. 79, lines 48-51,, Fig. 41, remote 71, "delete", button), but, fails to particularly disclose inhibiting erasure or even editing of a file, until another program management file is edited first, thereafter, the selected or released files, can be erased or edited or even edited.

The examiner takes official notice that the prior art provides for protecting a stored file which reads on restricting access, it is also well known to even protect desired or selected or specific files from erasure, as is well known.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Okada by providing a means to restricting access to files, therefore, the files cannot be manipulated or edited or even played, also to provide a means to restrict erasure or even editing, until another file of updated or modified, met by either file status change or password access, as is well known in the art.

Regarding claim 68, Okada provides for free regions, but, fails to particularly anticipate wherein the region for storing audio is provided with a free region for adding new audio.

The examiner takes official notice that providing an additional region to add another audio channel/track or stream to exiting or to provide another audio region for additional audio is well known to those skilled in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to provide an additional audio region or to provide a free audio region for adding new or another audio, such as audio in a different language to the exiting for people who speak another language or to provide a second, as is well known.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Contact Information

7. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vin
January 12, 2004


VINCENT BOCCIO
PRIMARY EXAMINER